

JFW

CPA B 9837

PTO/SB/17 (10-03)

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FREE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 903.00

Complete if Known

Application Number	09/492,218
Filing Date	01/27/2000
First Named Inventor	SITRICK, David
Examiner Name	M. Fletcher
Art Unit	2837
Attorney Docket No.	STD 1757 CPA

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number
Deposit Account Name

Stirick & Sitrick

501166

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	385.00
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$) 385.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
113	-113* = 0	X	
Independent Claims	13	-12* = 1	X 43.00 = 43.00
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 43.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	475.00
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) (Terminal Disclaimer)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 475.00

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	David H. Sitrick	Registration No. (Attorney/Agent)	29,349	Telephone	847-677-4411
Signature	<i>David H. Sitrick</i>	Date	April 21, 2004		

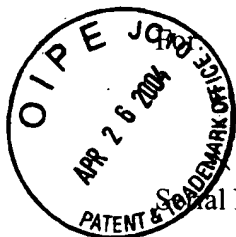
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David H. Sitrick)
)
SYSTEM AND METHODOLOGY)
FOR MUSICAL)
COMMUNICATION AND)
DISPLAY)
Serial Number: 09/492,218)
)
Filed: January 27, 2000)
)
Examiner: M. Fletcher)
)
Art Unit: 2837)
)
Attorney Docket: STD 1757)



PRELIMINARY AMENDMENT A

Mail Stop CPA APPLICATIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby submits a request for a continued prosecution application, under 37 C.F.R. § 1.53(d), of the above-referenced prior-filed non-provisional application and this Preliminary Amendment A.

Applicant thanks Examiner Fletcher for the March 26, 2004 telephone conference, during which time Applicant and Examiner discussed and clarified previous communications.

Applicant is filing this Continued Prosecution Application as a result of said teleconference.

Claims 1-113 are currently pending in the application. Claims 41-51 are allowed. Claims 1-40, 53-76, 79-96 and 99-113 are rejected. Claims 52, 77, 78, 97 and 98 are objected to. Claims 1-6, 23-32, 37-44, 51-58, 60, 61, 66-71, 73, 74, 76, 77, 78, 80, 81, 82, 85-88, 91, 92, 94, 95, 97 and 107-110 are hereby amended. Claims 67, 69 and 88 are hereby canceled without prejudice. Claims 114, 115 and 116 are hereby added.

Applicant has filed concurrently herewith a Declaration under 37 CFR 1.131 and has sworn back of the Lemelson et al. (5,823,788) reference. The final rejection of Claims 1-40, 53-

04/27/2004 AWONDAF1 00000026 501166 09492218

01 FC:2006 385.00 DA
02 FC:2201 43.00 DA
03 FC:2253 475.00 DA

76, 79-96 and 99-113 under 35 U.S.C. 103(a) based upon Lemelson et al. (US 5,823,788) is hereby traversed and overcome in accordance with 37 CFR 1.131.

This response is accompanied by the appropriate fee transmittal authorizing the Commissioner to charge any additional fees and credit any overpayments during the pendency of this application to Sitrick & Sitrick's Deposit Account Number: 501166. A basic filing fee, an added independent claim fee and a three-month extension fee are due and paid via the aforementioned fee transmittal. No new matter has been added. Reconsideration is respectfully requested.